

U.S. Department of Labor Occupational Safety and Health Administration
401 New Karner Road,
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



07/11/2016

RWS Manufacturing Inc.
22 Ferguson Lane
Queensbury
Queensbury, NY 12804

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 2015, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

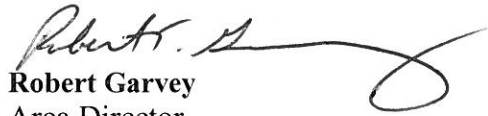
As indicated on page 6 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Garvey", with a long, sweeping horizontal stroke extending to the right.

Robert Garvey
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



Citation and Notification of Penalty

To:

RWS Manufacturing Inc.
and its successors
22 Ferguson Lane
Queensbury
Queensbury, NY 12804

Inspection Number: 1117737**Inspection Date(s):** 01/13/2016 - 02/23/2016**Issuance Date:** 07/11/2016**Inspection Site:**

22 Ferguson Lane
Queensbury
Queensbury, NY 12804

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/11/2016. The conference will be held by telephone or at the OSHA office located at 401 New Karner Road, Suite 300, Albany, NY 12205 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1117737

Company Name: RWS Manufacturing Inc.
Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804
Issuance Date: 07/11/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 401 New Karner Road, Suite 300, Albany, NY 12205**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: RWS Manufacturing Inc.

Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804

Citation 1 Item 1 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish employment and a place of employment which is free from recognized hazards that are likely to cause death or serious physical harm to employees in that employees are exposed to the hazard of potential fire and explosion hazards of Class II explosive wood dust:

Shavings room and bagging room, on or prior to 1/13/16:

(a) Conveyors and related equipment in the shavings and bagging rooms were not designed, installed, and operated to avoid excessive heat buildup from hot bearings. (NFPA 664 2012, section 8.2.3, Mechanical Conveying Systems) On or about 12/22/15, a significant fire occurred in the shavings room when a hot bearing on the head pulley of a conveyor ignited accumulated wood dust and surrounding wood enclosure(s) installed for dust control.

(b) An inspection, testing, and maintenance program was not established to ensure that fire and explosion protection systems are inspected and maintained in operable condition (NFPA 664 2012, Section 10.2 Inspection and Maintenance). On 1/13/16, the Flamex spark and ember detection system associated with the rotary kiln was inoperable due to faulty wiring. The Flamex had been inoperable for a period of several weeks prior to the date of the inspection.

On 2/23/16, the Flamex had been inoperable for about a week due to damage from a failed sprinkler escutcheon.

(c) A written impairment procedure was not followed when fire protection or suppression systems or controls, including but not limited to the Flamex system and sprinkler/standpipe system, were inoperable (NFPA 664 2012, section 10.9 Impairments of Fire Protection and Explosion Prevention Systems.). On 1/13/16 and 2/23/16, a written impairment procedure was not being followed while the Flamex system was inoperable.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1117737
Inspection Date(s): 01/13/2016 - 02/23/2016
Issuance Date: 07/11/2016



Citation and Notification of Penalty

Company Name: RWS Manufacturing Inc.
Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards is to comply with National Fire Protection Association (NFPA) 664, "Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities" (2012), including but not limited to:

Ensure that conveyors and related enclosures are designed to minimize excessive heat buildup from hot bearings per NFPA 664 Section 8.2.3;

Develop an inspection, maintenance, and testing program to ensure fire and explosion prevention systems are maintained in operable condition per NFPA 664 Section 10.2;

Develop a written impairment procedure which can be followed in the event fire protection and explosion prevention controls are inoperable per NFPA 664 section 10.9.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/27/2016
Proposed Penalty:	\$5390.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1117737
Inspection Date(s): 01/13/2016 - 02/23/2016
Issuance Date: 07/11/2016



Citation and Notification of Penalty

Company Name: RWS Manufacturing Inc.

Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.157(c)(4): Portable fire extinguishers were not maintained in a fully charged and operable condition:

(a) Bagging room and Shavings room: On or prior to 1/13/16, seven 20lb portable fire extinguishers were in need of charging; units were located in the "To be Refilled" location. Units missing from mounting locations in the plant had not been replaced.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3850.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1117737
Inspection Date(s): 01/13/2016 - 02/23/2016
Issuance Date: 07/11/2016



Citation and Notification of Penalty

Company Name: RWS Manufacturing Inc.
Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

(a) Shavings room and bagging room/production area: On or prior to 1/13/16, inspection noted four (4) portable fire extinguishers in the facility had not been subjected to an annual maintenance check; maintenance tags indicated last inspection was due on or about November 2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3850.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: RWS Manufacturing Inc.

Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms are not kept clean and orderly or in a sanitary condition:

(a) The shavings room continues to have a hazardous accumulation of wood dust on surfaces including, but not limited to: structural supports, pipes, fixtures, ductwork, and equipment including conveyors. This violation was most recently observed on January 13, 2016. On or about 12/22/15, a significant fire occurred in the shavings room when a hot bearing on the head pulley of a conveyor ignited accumulated wood dust and surrounding wood enclosure(s) installed for dust control.

(b) The bagging room continues to have a hazardous accumulation of wood dust on surfaces including, but not limited to: structural supports, pipes, fixtures, ductwork, and equipment. This violation was most recently observed on January 13, 2016.

RWS Manufacturing, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.22(a)(1), which was contained in OSHA inspection number 757902, citation number 2, item number 1 and was affirmed as a final order on 2/27/15, with respect to a workplace located at 22 Ferguson Lane, Queensbury, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/27/2016

Proposed Penalty:

\$26950.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1117737
Inspection Date(s): 01/13/2016 - 02/23/2016
Issuance Date: 07/11/2016



Citation and Notification of Penalty

Company Name: RWS Manufacturing Inc.
Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained in a clean and, so far as possible, a dry condition:

(a) Bagging room -- On or prior to 2/23/16, the employer continues to allow excessive amounts of wood shavings to accumulate on floors, creating a fire hazard and slip/trip hazard. The established housekeeping program does not adequately control accumulation of wood shavings.

RWS Manufacturing, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.22(a)(2), which was contained in OSHA inspection number 757902, citation number 1, item number 2 and was affirmed as a final order on 2/27/15, with respect to a workplace located at 22 Ferguson Lane, Queensbury, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/17/2016
Proposed Penalty:	\$10780.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1117737
Inspection Date(s): 01/13/2016 - 02/23/2016
Issuance Date: 07/11/2016



Citation and Notification of Penalty

Company Name: RWS Manufacturing Inc.
Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.37(b)(6): Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color:

(a) Shavings room, south exit: On or about 1/13/16, exit sign and emergency light fixture was damaged and inoperable.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

A handwritten signature in black ink, appearing to read "Robert T. Garvey", written over a horizontal line.

Robert Garvey
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



INVOICE / DEBT COLLECTION NOTICE

Company Name: RWS Manufacturing Inc.
Inspection Site: 22 Ferguson Lane, Queensbury, Queensbury, NY 12804
Issuance Date: 07/11/2016

Summary of Penalties for Inspection Number	1117737
Citation 1, Serious	\$13090.00
Citation 2, Repeat	\$37730.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$50820.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

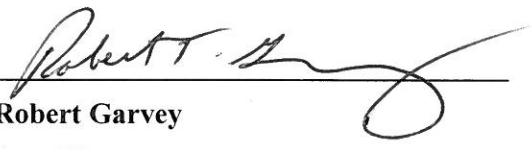
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.


Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


Robert Garvey
Area Director


Date



Notification of Failure to Abate Alleged Violations

To:
RWS MANUFACTURING, INC.
and its successors
22 FERGUSON LANE
Queensbury, NY 12804

Inspection Site:
22 FERGUSON LANE
Queensbury, NY 12804

Original Inspection Number: 757902
Original Inspection Date: 11/28/2012 - 02/11/2013

Inspection Number: 1117737
Inspection Date(s): 01/13/2016 - 02/23/2016
Issuance Date: 07/11/2016

The violation(s) described in this Notification of Failure to Abate Alleged Violations is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

After the original inspection, a Citation(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon re-inspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

Notification of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of OSHA office issuing the citation and identified above. The certification must be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certificate is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and Federal holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Notification is affirmed by the Review Commission.

Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the [pay.gov](http://www.pay.gov) homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with the OSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 07/11/2016. The conference will be held by telephone or at the OSHA office located at 401 New Karner Road, Suite 300, Albany, NY 12205 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Original Inspection Number: 757902

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804
Issuance Date: 07/11/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 401 New Karner Road, Suite 300, Albany, NY 12205**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

NAME OF COMPANY OFFICIAL

DATE

TITLE

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.



Notification of Failure to Abate Alleged Violation

Original Inspection: 757902

Inspection Number: 1117737

Original Inspection Dates: 11/28/2012 - 02/11/2013

Inspection Date(s): 01/13/2016 - 02/23/2016

Issuance Date: 07/11/2016

Company Name: RWS MANUFACTURING, INC.

Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 20 a

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish employment and a place of employment which is free from recognized hazards that are likely to cause death or serious physical harm to employees in that employees are exposed to the hazard of potential fire and explosion hazards of Class II explosive wood dust:

On or prior to 1/13/16, RWS Manufacturing, Inc. did not fully comply with the provisions of the Stipulated Settlement Agreement, affirmed as a Final Order by the Occupational Safety and Health Review Commission on 2/27/15. Paragraph 9 of the agreement required that the dust collection system meet the safeguarding outlined in NFPA 664. Follow-up inspection of the facility on 1/13/16 found that employees of RWS Manufacturing, Inc. were still exposed to potential fire and explosions hazards from accumulations of combustible wood dust, in that:

(a) A hazard analysis of fire and deflagration hazard(s) associated with the Rodair dust collection system, including analysis of moisture content, particle size distribution, determination of Minimum Explosive Concentration (MEC) and analysis of materials of construction was not conducted. (NFPA 664 2012, section 8.2 Particulate Conveying and Dust Collection Systems)

(b) Excessive use of flexible duct work was observed at points of material entry (hoods and machine enclosures) in the bagging and shavings rooms. The dust accumulation hazards associated with the duct system were not determined by means of a hazard analysis. (NFPA 664 2012, section 8.2.2.2 Duct System)

U.S. Department of Labor
Occupational Safety and Health Administration



Notification of Failure to Abate Alleged Violation

Original Inspection: 757902

Inspection Number: 1117737

Original Inspection Dates: 11/28/2012 - 02/11/2013

Inspection Date(s): 01/13/2016 - 02/23/2016

Issuance Date: 07/11/2016

Company Name: RWS MANUFACTURING, INC.

Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

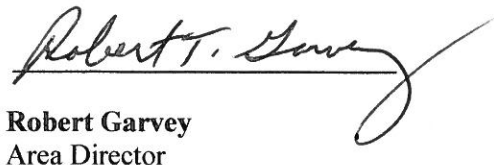
Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards is to comply with National Fire Protection Association (NFPA) 664, "Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities" (2012), including but not limited to:

Conduct a hazard analysis of fire and deflagration hazards associated with the Rodair dust collection system and associated process equipment that meets the requirements of NFPA 664 section 8.2;

Minimize use of flexible ductwork and use a hazard analysis to evaluate dust accumulations per NFPA 664 Section 8.2.2.2

Additional Penalty:

\$ 147,000.00


Robert Garvey
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



INVOICE / DEBT COLLECTION NOTICE

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804
Issuance Date: 07/11/2016

Summary of Additional Penalties for Inspection Number 757902
Followup Inspection Number 1117737

TOTAL ADDITIONAL PROPOSED PENALTIES \$ 147000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order or electronic payment for less than full amount due, and will process the payments as if these restrictions or conditions do not exist.

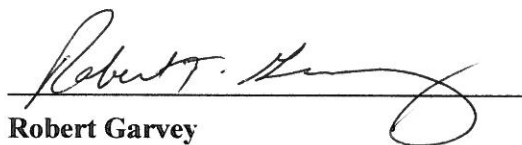
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be accessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice to contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

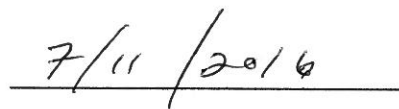
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be accessed occurring from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be accessed for demand letters sent in an attempt to collect the unpaid debt.



Robert Garvey

Area Director



Date